

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA19/0293
<b>Proposed development:</b>	Fit out and use of tenancy for a Charcoal Chicken Food and Drink Premises (Shop 20)
<b>Property address:</b>	4 Endeavour Avenue, ST CLAIR NSW 2759
<b>Property description:</b>	Lot 1 DP 1018519
<b>Date received:</b>	29 April 2019
<b>Assessing officer</b>	Jacqueline Klincke
<b>Zoning:</b>	Zone B2 Local Centre - LEP 2010
<b>Class of building:</b>	Class 6
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for the fit-out and change of use of an existing tenancy to a charcoal chicken food and drink premises with associated signage at Shop 20, 4 Endeavour Avenue, St Clair. The subject site is zoned B2 Local Centre under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent.

The key issues identified and addressed as part of the assessment of the proposal were in regards to the proposed business identification signage not reflecting the surrounding character and existing shop front signs within the shopping complex. In this regard the applicant was advised of this issue and subsequently Council received amended plans that are considered to adequately address the issues raised.

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014*, the subject application did not require public notification.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions.

### Site & Surrounds

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The subject site is located southwest of the intersection of Bennett Road and Endeavour Avenue and accommodates St Clair Shopping Centre. The site is legally defined as Lot 1, DP 1018519 and subject tenancy is known as Shop 20/4 Endeavour Avenue, St Clair within the shopping complex.

The surrounding area is characterised by existing commercial premises and car parking adjoining the subject tenancy; a Preschool, Uniting Church and Leisure Centre to the south; St Clair High School to the west; Bennet & Endeavour Soccer Field to the North and established R2 Low Density Residential development to the east.

#### **Site History:**

The commercial and community centre complex was approved in 1980 under development consent DA288/79. Shop 20 was approved for the use as a 'Fitness Training Centre' previously under development consent DA15/0592.

## Proposal

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The applicant seeks approval for a change of use and fit-out of an existing shop for a charcoal chicken food and drink premises.

The proposal includes the following aspects:

- Indoor dining area seating a maximum of forty (40) patrons,
- One (1) illuminated business identification sign,
- Hours of operation from 7:00am to 11:00pm Mondays to Sundays,
- Maximum of six (6) staff members on site at any one time, and
- Use of existing parking spaces servicing the shopping centre.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 4.15 - Evaluation

The proposal has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

### **Section 79C(1)(a)(i) The provisions of any environmental planning instrument**

## State Environmental Planning Policy No 64—Advertising and Signage

An assessment has been undertaken of the proposed signage against the relevant criteria within the *State and Environmental Planning Policy No. 64 - Advertising and Signage*.

An assessment of the proposal under Schedule 1 of the SEPP has been undertaken below.

Criteria	Assessment
1. Character of the area	The proposed sign as amended is sympathetic to the building, general built environment and character of the area. The design and form will complement the building and is similar to other business signage in the shopping centre.
2. Special areas	The proposed sign does not detract from the amenity or visual quality of any heritage areas, environmentally sensitive areas, natural/conservative areas, open space areas, waterways, landscapes or residential areas.
3. Views and vistas	The proposed sign will not compromise or obscure important views or vistas. The new sign proposed will not dominate the skyline and is respectful to other business' viewing and advertising rights.
4. Streetscape, setting or landscape	The proposed sign has been designed with a suitable scale, proportions and form and is keeping with the character of the shopping centre. The proposed sign will contribute to the visual interest of the building and the local area. The sign does not protrude above any buildings, structures or tree canopies in the area.
5. Site and building	The proposed sign is compatible in scale and proportion with the building and is appropriately located to complement the building and pedestrian/vehicular amenity.
6. Associated devices and logos with advertisements and advertising structures	The proposed sign will display the name of the business - 'Paradise Charcoal Chicken'.
7. Illumination	The proposed illumination of the sign is to be internal and contained within the light box and diffused evenly. It is of a scale that will not produce unacceptable glare or affect the safety of pedestrians, vehicles or surrounding residences.
8. Safety	There will be no reduction in safety to public roads, pedestrians or cyclists due to the installation of the proposed sign.

In this regard, the proposed business identification sign is consistent with the aims and objectives of SEPP 64.

## Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)* and the application is satisfactory subject to recommended conditions of consent.

## Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	N/A
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.7 Servicing	Complies
Clause 7.12 Maximum gross floor area of commercial premises	Complies - See discussion

### Clause 2.3 Permissibility

The proposal is defined as a *'food and drink premises'* which is a permissible land use under the provisions of the B2 Local Centre zone in the *Penrith Local Environmental Plan 2010*. In addition, the proposed business identification sign is also permissible with Council consent.

### Clause 7.2 Flood planning

The subject site is identified as being flood prone however, considering the proposal will be located within the existing floor space of a shop premises, there are no adverse impacts from a flood planning perspective envisioned.

### Clause 7.12 Maximum gross floor area of commercial premises

The proposed development includes a fit-out of an approximately 252.15m<sup>2</sup> of floor area within an existing tenancy and does not involve the creation of additional floor space. The proposal therefore satisfies the total gross floor area of all buildings used for commercial premises at the site and the site will not exceed the maximum permitted gross floor area of 6,000 square meters as a consequence of the current application.

## Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

It is noted that both the *Draft Environmental SEPP* and *Draft Remediation of Land SEPP* are at present applicable to the subject site but while so, does not affect or alter the recommendations of this report.

## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	Complies
C4 Land Management	N/A
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies

## Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the proposal.

## Section 79C(1)(a)(iv) The provisions of the regulations

The proposal has been referred to Council's Building Surveyor and Public Health Department who have both recommended conditions of consent to ensure the development complies with the Building Code of Australia, the relevant Australian Standards and regulations.

## **Section 79C(1)(b)The likely impacts of the development**

### ***Context and Setting***

The proposal is for a change of use and fit-out with associated signage of an existing tenancy (Shop 20) within the St Clair Shopping Centre. The built form and presentation to a public area remains unaltered and therefore there are no concerns in this regard. The surrounding area accommodates a large range of commercial land uses, including a large number of retail shops. In this regard, the proposal is compatible with the context of the surrounding locality.

### ***Site Design and Internal Design***

The proposed floor plan provides for adequate access and mobility for customers of all ages. The proposal includes the installation of a food preparation and kitchen area which will be compliant with Australian Standard AS 4674-2004 *Design, Construction and Fit-Out of Food Premises* subject to the recommended conditions. The proposed shopfront sign as amended is considered to be suitable and reflective of the existing signage and character of the neighbouring tenancies within the shopping complex.

### ***Access and Transport***

Given that the proposal is for a small scale business within an existing shopping complex, it is unlikely that there will be any adverse impacts on local traffic conditions. In addition, there are adequate parking spaces available within the shopping centre. Furthermore, public transport is in close proximity to the site.

### ***Utility Services***

The site has connections to utility services which have the capacity to cope with the demand associated with the proposal.

### ***Environmental Impacts***

The proposal is for minor internal and external facade works only. There will be no major impacts on water resources or soil quality and the development does not require the removal of any significant biodiversity or threatened species. The amount of waste expected to be generated is considered manageable.

### ***Noise and Vibration***

It is considered that the proposed use of the site will not create any adverse acoustic impacts. In order to maintain the acoustic privacy and amenity of the surrounding area, a standard condition restricting construction work hours is recommended. The hours of operation are also considered in line with the existing operations of the shopping complex.

### ***Socio-Economic Impacts***

The proposal aims to establish a new business which will stimulate economic activity within the locality. The proposal is of a minor scale and is unlikely to adversely impact existing local businesses or nearby property values.

## **Section 79C(1)(c)The suitability of the site for the development**

The subject site is deemed suitable for the proposed development for the following reasons:

- The use is consistent and compatible with the adjoining and surrounding land uses,
- The site is adequately serviced by water and sewage infrastructure, and access and parking has the capacity to cope with any increase in demand associated with the proposed development, and
- The proposal does not contravene any development standards and is unlikely to have any significant impacts on the natural, social or economic environments.

## **Section 79C(1)(d) Any Submissions**

### **Community Consultation**

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014*, public notification of the proposed development was not required. In this regard, no submissions were received.

### **Referrals**

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions

### **Section 79C(1)(e)The public interest**

The proposed development will not generate any significant issues of public interest.

### **Section 94 - Developer Contributions Plans**

Section 7.11 Development Contributions do not apply to this proposal.

## **Conclusion**

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In assessing the proposed development against the relevant environmental planning policies being *Penrith Local Environmental Plan 2010*, *Penrith Development Control Plan 2014*, *Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)* and *State Environmental Planning Policy No. 64 - Advertising and Signage*, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support and is recommended for approval, subject to recommended conditions.

## **Recommendation**

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1. That DA19/0293 for the change of use and fit-out for a charcoal chicken food and drink premises and associated signage at Shop 20, 4 Endeavour Avenue, St Clair, be approved subject to the attached conditions.

# CONDITIONS

## General

### 1 A001

The development must be implemented substantially in accordance with the following stamped approved plans issued by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Drawing No.	Prepared By	Project No.	Dated	Issue
Finishes Schedule	A005-02	archizone	2019_005	15/4/19	C
Proposed Floor Plan	A005-04	archizone	2019_005	15/4/19	D
Dimension Plan	A005-05	archizone	2019_005	15/4/19	D
Shopfront Elevation A	A005-09	archizone	2019_005	14/6/19	F
Section AA'	A005-10	archizone	2019_005	15/4/19	C
Section BB'	A005-11	archizone	2019_005	15/4/19	C
Section CC'	A005-12	archizone	2019_005	15/4/19	C
Section DD'	A005-13	archizone	2019_005	15/4/19	C
Menu Detail	A005-18	archizone	2019_005	23/4/19	A
Shopfront Signage Detail	A005-19	archizone	2019_005	23/4/19	B

### 2 A012 - Food Act

The proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2015 and the Australian and New Zealand Food Standards Code are met at all times.

### 3 A019 - Occupation Certificate

**The development shall not be occupied until an Occupation Certificate has been issued.**

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required **prior to the issue of the Occupation Certificate**. The occupier is to contact the Environmental Health Team to organise an appointment at least 72 hours prior to the requested inspection time.

### 4 A021 - Business Registration

The business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council **prior to the issuing of the Occupation Certificate** and operation of the business.

### 5 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The approved hours of operation are from 7am to 11pm Monday to Sunday.

### 6 A032 - Goods in buildings

All materials and goods associated with the use shall be contained within the building at all times.

### 7 A039 - Graffiti

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

### 8 A046 - Obtain Construction Certificate before commencement of works

A **Construction Certificate** shall be obtained prior to commencement of any building works.

### 9 A Special (BLANK)

The approved sign shall be erected strictly in accordance with the manufacturer's or engineer's specifications and relevant Australian Standards and shall not unduly reduce or compromise the structural integrity of the existing building.

### 10 A Special (BLANK)

The approved sign shall satisfy the relevant provisions of Australian Standard AS 4282 - 1997, *Control of the obtrusive effects of outdoor lighting*.

### 11 A Special (BLANK)

In the event that Council receives a complaint regarding excessive noise from the Charcoal Chicken Shop, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitable qualified consultant) and provide a report specifying proposed methods for control of noise emanating from the premises.



## 12 [A Special \(BLANK\)](#)

An intruder alarm installed at the premises shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

## Environmental Matters

### 13 [D014 - Noise](#)

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the shopping centre or nearest sensitive receiver. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating noise.

## BCA Issues

### 14 [E006 - Disabled access and facilities](#)

Access for persons with disabilities is to be provided and maintained in accordance with the requirements of the Building Code of Australia and Australian Standard AS 1428 "Design for Access and Mobility".

### 15 [E009 - Annual fire safety-essential fire safety \(Class 2-9 buildings\)](#)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

### 16 [E01A - BCA compliance for Class 2-9](#)

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

## Health Matters and OSSM installations

### 17 [F001 - General Fitout](#)

The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.

#### 18 F022 - Commercial kitchen(exhaust system)

Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2.

The exhaust hood must completely cover the equipment to be ventilation and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.

**Prior to the issuing of an Occupational Certificate**, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

Ventilation must be operated and maintained in a proper and efficient manner which does not cause air pollution, in accordance with s. 124 and 125 of the POEO Act or a dust nuisance.

The exhaust and mechanical ventilation is to be operated and installed as follows:

- Activated carbon adsorbers to be checked regularly for odour 'breakthrough' (and the filter changed once breakthrough has been reached).
- Odours from the premises are not to be detectable at the nearest sensitive land use.
- Exhaust stacks to be vented at a height clear of downwash effects from the building in which the activity is located and adjacent buildings and a minimum of 3 m above the highest point of the building roof ridge line or above that of any higher adjacent building within 50 m.
- Exhaust stack gases to be vented with a design exit velocity of at least 10 m/s without any impediment to vertical discharge.
- The particulate filtration system installed (for example, a filter or grit arrestor in the cooking ventilation system) to be maintained in efficient working order at all times.
- The ventilation system used for collection of emissions (e.g. fume hood) to be maintained in efficient working order at all times. Material accumulated on the inside of the hood and ductwork (e.g. fats from cooking) to be checked and removed periodically.

#### 19 F025 - Food safety supervisor

A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business.

#### 20 F027 - Hand basins

Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

Hand basins must be provided within the (1) toilet cubicle, (2) chicken cleaning and cutting area (3) general cooking area, and (4) coolroom/freezer area

#### 21 F030 - Hot water service

Hot water services must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be sized to meet the demands of the food business during peak operating and cleaning periods and be able to provide sufficient hot water throughout the working day. Discharge from the hot water system must enter the sewer through a tongue dish in accordance with Sydney Water's requirements.

#### 22 F033 - Walls – food prep area

The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.

23 **F034 - Walls – behind cooking appliances**

The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.

24 **F035 - Ceilings**

The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.

25 **F045 - Food Prep Sink - clearance area**

The food preparation sink must be separated from all other sinks by a minimum distance of 2 metres or have an approved form of physical barrier that separates the sink.

26 **F046 - Cleaners sink**

The cleaners sink must be serviced with hot and cold water through taps fitted with hose connectors. Cleaner's sinks must be located outside of areas where open food is handled.

27 **F047 - Fixtures & fittings**

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.

All fittings and fixtures must be built into the wall and floor so as to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

(a) Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and covered at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.

(b) Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.

(c) Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or molded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200 mm.

**NOTE:** False bottoms under fittings are not permitted (AS4674-2004 – Section 4.2 and 4.3).

28 **F052 - Coolrooms**

The coolroom and/or freezer room floor must be finished with a smooth even surface and graded to the door. A sanitary floor waste must be located outside the coolroom and freezer adjacent to the door. All metal work in the coolroom and freezer room must be treated to resist corrosion.

29 **F053 - Coolrooms – condensation**

Condensation from coolrooms and refrigeration motors must discharge to sewer via a tundish with air gap separation in accordance with Sydney Water requirements.

30 **F054 - Coolrooms – doors & alarms**

The coolroom and freezer room must be provided with:

- A door which can at all times be opened from inside without a key and
- An approved alarm device located outside the room, but controlled only from the inside.

31 **F060 - Grease Arrestor**

The grease arrestor must not be installed in any kitchen, food preparation or food storage area. The grease arrestor shall be installed in accordance with Sydney Water's requirements.

## Utility Services

32 **G002 - Section 73 (not for**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

## Construction

### 33 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

### 34 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

### 35 H041 - Hours of work (other devt)

Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

## Certification

36 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any construction works on site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979*.

Information to accompany the Notice of Commencement

Two (2) days before any construction/demolition works are to commence on site, the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979*.

37 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

#### **C9 Advertising and Signage**

The proposal involves the installation of an illuminated business identification sign on the front facade of the shop. As amended, the proposed signage is considered to be consistent and sympathetic with the existing signage and character of the neighbouring tenancies within the shopping complex. The design of the proposed business identification is simplistic and incorporates solid timber cladding with rear illuminated lettering. It is considered that the illumination of the sign will not create any adverse impacts on the surrounding natural and built environments.

#### **C10 Transport, Access and Parking**

Car parking spaces are to be provided via the existing spaces servicing the subject shopping complex. It is also envisioned that the proposal will not generate a significant increase in traffic volume or parking demand.